THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 15715 of 2003

Date:06-07-2007

Between:

M/s. Habeeb Engineering Works,Gutnur rep. By its Prop.Mohammed Sardar ..
PETITIONER

AND

The Zonal Manager, APIIC Ltd, Vijayawada and two others ..
RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in not allotting plot No.1-B in Block No.43, I.D.A.Autonagar, Guntur on the ground that it is not vacant, as illegal and arbitrary.

The case of the petitioner is that he made an application on 26.04.2001 for allotment of plot No.1-B in Block No.43, I.D.A.Autonagar, Guntur on the ground that it is not vacant.

A counter has been filed by the respondents 1 and 2 stating that the said plot was allotted to the Regional Transport Authority for construction of fitness certificate testing station by allotment letter, dated 31.03.1993. But, subsequently, they have informed that the third respondent required only 2000 square metres of land and therefore, the said land was bifurcated as Plot Nos.1A and 1B and later at the request of the third respondent, Plot No.1B was allotted to the third respondent admeasuring 2000 square metres by amending the allotment letter, dated 09.11.1995 and Plot No.1A measuring 1263.41 square metres was allotted to Smt.T.Siva Parvathi on outright sale basis by allotment order dated 19.07.1997 and the possession was also given to her. Insofar as the Plot No.1B is concerned, it is stated that, in fact, the petitioner ha applied for allotment of 4000 square metres of land without specifying the plot number on 26.04.2001. The application of the petitioner was returned as the plot applied by him was not vacant and resolved to refund the initial deposit paid by the petitioner and accordingly, the cheque dated 06.05.2003 for an amount of Rs.1,00,000/- was sent to the petitioner.

The third respondent also filed a counter stating that though initially the plot in an extent of 4000 square metres was allotted, but later an extent of 2000 square metres of land was reallotted to this respondent and the entire cost of Rs.4,80,000/- was also deposited. It is further stated that the plot is not vacant and there is acute necessity of the land for the third respondent. It is stated that it cannot be said that the third respondent did not require the land.

In view of the facts and circumstances of the case, as the application of the petitioner was subsequent to the application of the said Smt.T.Siva Parvathi and the third respondent, and as the said plot was already allotted, I am of the opinion that the petitioner is not entitled for any relief as prayed for in the writ petition.

Accordingly, the writ petition is dismissed. However, it is for the respondents 1 and 2 to consider the request of the petitioner for allotment of alternative site on the application of the petitioner. No costs. The interim order, dated 16.10.2003 is hereby vacated.

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V.ESWARAIAH, J.

Date:06.07.2007
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